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Attorneys for Plaintiff
Lizzy James Designs

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

WESTERN DIVISION

LIZZY JAMES DESIGNS,

Plaintiff,

v.

GAYLE CORN, d/b/a WRAPS BY RENZEL,

Defendant.

Case No. 17-cv-3773

COMPLAINT FOR COPYRIGHT INFRINGEMENT

COMPLAINT

Plaintiff Lizzy James Designs (“Lizzy James”), through the undersigned counsel, hereby alleges as follows:

NATURE OF THE ACTION

1. This is an action for copyright infringement under the copyright laws of the United States, 17 U.S.C. §§ 101, *et seq.*, stemming from the unauthorized copying, reproduction, and distribution of Lizzy James' original jewelry design by Defendant Gayle Corn, d/b/a Wraps By Renzel ("Defendant").

THE PARTIES

2. Plaintiff Lizzy James Designs is a corporation formed and existing under the laws of the State of California that maintains a principal place of business at 16515 Zumaque Street, Rancho Santa Fe, California 92067.

3. Defendant is an individual residing at 19512 Laroda Lane, Santa Clarita, California 91350.

JURISDICTION AND VENUE

4. This Court has jurisdiction over the subject matter of this action pursuant to 28 U.S.C. §§ 1331 and 1338(a), as this action arises under the copyright laws of the United States, 17 U.S.C. §§ 101, *et seq*.

5. This Court has personal jurisdiction over Defendant because Defendant resides in the State of California, regularly transacts business in the State of California, and derives substantial revenue from goods sold in this State, and because a substantial part of the events giving rise to the claims asserted in this Complaint took place in the State of California.

6. Venue in this district is proper pursuant to 28 U.S.C. § 1391(b) because Defendant resides in this District and because a substantial part of the events giving rise to the claims asserted in this Complaint took place within this District.

COMMON ALLEGATIONS

7. Lizzy James is a California-based jewelry designer that has enjoyed great success promoting and selling necklaces, bracelets, anklets, rings, and earrings since 2011.

8. Lizzy James promotes and sells its products directly to consumers through its website at www.lizzyjames.com.

9. Lizzy James also regularly appears in trade shows across the country at which it displays its products to wholesale agencies that serve as sales brokers between Lizzy James and well over 1,000 retailers who offer Lizzy James' products for sale to consumers in a number of states, including California.

The Wrap Collection

10. One of Lizzy James' most popular jewelry collections is its Lizzy James Designs Wrap Bracelet and Necklace Collection (the "Wrap Collection"), which features items that can be worn either as a bracelet or a necklace.

11. The Wrap Collection is distinguishable from other wrap jewelry collections in the marketplace because of its unique combination of original design elements, namely, multiple strands of leather cord wrapped in multiple metal-plated crescents that wrap around the wrist multiple times:

12. The Wrap Collection is displayed to consumers for sale on Lizzy James' website at www.lizzyjames.com and at authorized retailers across the country.

13. Lizzy James advertises its Wrap Collection online through various social media outlets, including Facebook, Instagram, YouTube, and Vimeo.

14. The Wrap Collection has generated a great deal of interest among the public, as evidenced by the fact that Lizzy James has generated more than 131,000 "likes" on its Facebook page, and by the fact that a YouTube video showcasing a piece in the Wrap

Collection posted in July 2016 at https://www.youtube.com/watch?v=DCT-rF-Df48 has already been viewed more than 113,000 times.

15. In addition, Lizzy James regularly showcases its Wrap Collection to wholesale agencies at trade shows in which numerous other jewelry designers participate.

Lizzy James' Rights

16. The Wrap Collection design was created by Elizabeth Levine ("Levine"), the founder of Lizzy James, in 2011 and was first displayed publicly on May 1, 2011.

17. The United States Copyright Office has recognized that the Wrap Collection constitutes an original work protected under United States copyright law.

18. On April 25, 2014, the United States Copyright Office issued a Certificate of Registration for the Wrap Collection to Levine, Reg. No. VA 1-963-179 (the "Registered Work"). A true and correct copy of the Wrap Collection registration certificate is attached as Exhibit A hereto.

19. Levine subsequently assigned the entirety of her right, title and interest in and to the Wrap Collection and the Registered Work to Lizzy James. Levine's assignment has been proffered to the U.S. Copyright Office for recordation.

20. Lizzy James is now the exclusive owner of all right, title, and interest in and to the Registered Work.

Defendant's Infringement of the Registered Work

21. Defendant is a California-based jewelry designer who promotes her products through social media, including Facebook, YouTube, Pinterest, and Tumblr, and offers them for sale through online marketplaces such as Etsy and Amazon.

22. Defendant's product offerings include two-in-one necklace and wrap bracelets that feature the exact same combination of design elements as the Registered Work: multiple strands of leather cord wrapped in multiple metal-plated crescents that wrap around the wrist multiple times (the "Infringing Works"):

Registered Work	Infringing Works

23. Defendant would have had, and did have, numerous opportunities to access the Registered Work prior to designing the Infringing Work, given Lizzy James' extensive presence online, at industry trade shows, and in retail stores.

24. Upon information and belief, Defendant observed the popularity of the Registered Work, studied the design of the Registered Work, and sought to mimic it as closely as possible.

25. Upon information and belief, Defendant deliberately included the precise combination of design elements featured in the Registered Work in the Infringing Works.

Lizzy James Notifies Defendant of its Rights

26. Soon after Lizzy James became aware of the Infringing Works, Lizzy James sent Defendant a cease and desist letter notifying Defendant of its rights in and to the Registered Work and requesting that Defendant cease all further sales of the Infringing Work.

27. Defendant did not respond to Lizzy James' demand letter.

28. Lizzy James hired outside counsel to send a second demand letter to Lizzy James.

29. Defendant responded to the second demand letter, but has refused to comply with Lizzy James' request that Defendant cease further sales of the Infringing Work.

FIRST CAUSE OF ACTION

(Infringement of Copyright in Violation of 17 U.S.C. § 501)

30. Lizzy James repeats and realleges each and every allegation contained in Paragraphs 1 through 29 of this Complaint as if fully set forth herein.

31. Lizzy James' Registered Work constitutes copyrightable subject matter under the copyright laws of the United States. Lizzy James has established copyright in and to the Registered Work and is the exclusive owner of all right and title in U.S. Copyright Registration No. VA 1-963-179 for the Registered Work.

32. Upon information and belief, Defendant, without authorization, permission, or license, reproduced, distributed, and exploited the Registered Work by copying the Registered Work to create the Infringing Works, reproducing the Infringing Works, and selling reproductions of the Infringing Works online. Defendant's actions violate Lizzy James' exclusive rights to the original work of authorship in the Registered Work under 17 U.S.C. § 106, including but not limited to the exclusive right to make reproductions, display, distribute copies to the public, and to prepare derivative works based upon the Registered Work.

33. Defendant's actions and infringement of the Registered Work have caused, and unless restrained by this Court will continue to cause, immediate and irreparable injury to Lizzy James' property and business.

34. Lizzy James has no adequate remedy at law.

PRAYER FOR RELIEF

WHEREFORE, Lizzy James prays that this Court enter an order and judgment in Lizzy James' favor and against Defendant:

(a) entering judgment that Defendant has directly infringed Lizzy James' copyrighted work;

(b) permanently enjoining Defendant, and all persons in active concert or participation with Defendant, from further infringement of Lizzy James' copyrighted work pursuant to 17 U.S.C. § 502;

(c) ordering the impounding and destruction of all infringing copies reproduced, used or distributed by Defendant in violation of Lizzy James' exclusive rights in and to Lizzy James' copyrighted work pursuant to 17 U.S.C. § 503;

(d) ordering Defendant to pay Lizzy James its actual damages and any profits realized by Defendant pursuant to 17 U.S.C. § 504(b);

(e) ordering Defendant to pay Lizzy James statutory damages as the Court considers just pursuant to 17 U.S.C. § 504(c);

(f) entering judgment that Defendant's copyright infringement has been knowing and willful;

(g) awarding Lizzy James attorney fees and costs incurred in prosecuting this action pursuant to 17 U.S.C. §§ 412 and 505 or otherwise; and

(h) awarding Lizzy James any other relief that this Court deems just and proper.

DATED: _May 18, 2017

Respectfully submitted,

SEYFARTH SHAW LLP

By: *_/s/ Kenneth L. Wilton_*
Kenneth L. Wilton
Attorneys for Plaintiff
Lizzy James Designs